©
Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Saturday, 21st May 1977 / 31st Vaisakha 1899 [No. 303

GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 4279/Leg. C1/77/Law. *Dated, Trivandrum, 21st May, 1977/ 31st Vaisakha, 1899.*

The following Ordinance promulgated by the Governor on the 20th day of May, 1977, is hereby published for general information.

By order of the Governor,

K. VISWANATHAN NAIR,

Additional Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977

33/1616/MC

ORDINANCE No. 11 OF 1977

THE KERALA GRANDHASALA SANGHAM (TAKING OVER OF MANAGEMENT) ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

to provide for the taking over in the public interest of the management of the undertaking of the Kerala Grandhasala Sangham, with a view to ensuring the proper working of that Sangham and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (5 of 1977), promulgated by the Governor of Kerala on the 15th day of March, 1977, has ceased to operate on the 6th day of May, 1977;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 26th day of March, 1977 and ended on the 5th day of April, 1977;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977.

(2) The provisions of this Ordinance (except section 21 which shall come into force at once) shall be deemed to have come into force on the 16th day of March, 1977.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "articles of association" means the articles of association of the Grandhasala Sangham;

(b) "district committee" means a district committee constituted under article 24(a) of the articles of association;

(c) "executive committee" means the executive committee of the Grandhasala Sangham referred to in article 24 of the articles of association;

(d) "governing council" means the governing council of the Grandhasala Sangham constituted under article 24 of the articles of association;

(e) "Grandhasala Sangham" means the Kerala Grandhasala Sangham registered under the Travancore Companies Act, 1114 (IX of 1114);

(f) "notified order" means an order notified in the Gazette;

(g) "prescribed" means prescribed by rules made under this Ordinance;

(h) "taluk union committee" means a taluk union committee referred to in clause (3) of article 38 of the articles of association;

(i) "undertaking" includes all assets, rights, leaseholds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, stores, equipments, automobiles and other vehicles, cash balances, reserve fund, investments and book debts and all other rights and interests arising out of such property as were, immediately before the date of the notified order under sub-section (1) of section 3, in the ownership, possession, power or control of the Grandhasala Sangham, and all books of account, registers and all other documents of whatever nature relating thereto.

Chapter II

TAKING OVER OF MANAGEMENT OF THE UNDERTAKING OF GRANDHASALA SANGHAM

3. *Board to take over management of the undertaking of the Grandhasala Sangham.*—(1) The Government may, by notified order, appoint a body of persons (hereinafter referred to as the 'Board of Control') to take over the management of the undertaking.

ORDINANCE No. 11 OF 1977

THE KERALA GRANDHASALA SANGHAM (TAKING OVER OF MANAGEMENT) ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

to provide for the taking over in the public interest of the management of the undertaking of the Kerala Grandhasala Sangham, with a view to ensuring the proper working of that Sangham and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (5 of 1977), promulgated by the Governor of Kerala on the 15th day of March, 1977, has ceased to operate on the 6th day of May, 1977;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 26th day of March, 1977 and ended on the 5th day of April, 1977;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977.

(2) The provisions of this Ordinance (except section 21 which shall come into force at once) shall be deemed to have come into force on the 10th day of March, 1977.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "articles of association" means the articles of association of the Grandhasala Sangham;

(b) "district committee" means a district committee constituted under article 24(a) of the articles of association;

(c) "executive committee" means the executive committee of the Grandhasala Sangham referred to in article 24 of the articles of association;

(d) "governing council" means the governing council of the Grandhasala Sangham constituted under article 24 of the articles of association;

(e) "Grandhasala Sangham" means the Kerala Grandhasala Sangham registered under the Travancore Companies Act, 1114 (IX of 1114);

(f) "notified order" means an order notified in the Gazette;

(g) "prescribed" means prescribed by rules made under this Ordinance;

(h) "taluk union committee" means a taluk union committee referred to in clause (3) of article 38 of the articles of association;

(i) "undertaking" includes all assets, rights, leaseholds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, stores, equipments, automobiles and other vehicles, cash balances, reserve fund, investments and book debts and all other rights and interests arising out of such property as were, immediately before the date of the notified order under sub-section (1) of section 3, in the ownership, possession, power or control of the Grandhasala Sangham, and all books of account, registers and all other documents of whatever nature relating thereto.

CHAPTER II

TAKING OVER OF MANAGEMENT OF THE UNDERTAKING OF GRANDHASALA SANGHAM

3. *Board to take over management of the undertaking of the Grandhasala Sangham.*—(1) The Government may, by notified order, appoint a body of persons (hereinafter referred to as the 'Board of Control') to take over the management of the undertaking.

(2) The Board of Control shall consist of a Chairman and such number of other members not exceeding ten as the Government may think fit, to be appointed by the Government.

(3) The Government may, either in the notified order issued under sub-section (1) or in a subsequent order, specify that one or more of the members of the Board of Control shall be full-time member or full time members thereof.

(4) The term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Board of Control shall be such as may be prescribed.

(5) The salaries, allowances and other remuneration and the conditions of service of the members of the Board of Control shall be such as may be determined by the Government.

(6) Any notified order issued under sub-section (1) shall remain in force for such period not exceeding two years as may be specified in the order:

Provided that if the Government are of opinion that in order to secure the proper management of the undertaking it is expedient that any such notified order should continue in force after the expiry of the period specified in that order, they may, from time to time, by notification in the Gazette, extend such period by not more than six months at a time, but no such notified order shall in any case remain in force for more than five years.

4. *Effect of notified order issued under section 3.*—(1) On the issue of a notified order under section 3 appointing a Board of Control to take over the management of the undertaking,—

(a) all persons in charge of the management of the Grandhasala Sangham, including the President, Vice-President, General Secretary, Joint Secretaries and Treasurer and other members of the governing council, members of the executive committee and members of the district committees and taluk union committees shall be deemed to have vacated their offices as such;

(b) the Board of Control shall alone be entitled, notwithstanding anything contained in any law for the time being in force, to exercise all the powers of the governing council, executive committee, district committees and taluk union committees;

(c) as from the date of the notified order, the undertaking of the Grandhasala Sangham shall be deemed to be in the custody of the Board of Control who shall, as soon as may be after such date, take such steps as may be necessary to take into its possession or under its control all properties, assets and effects and all actionable claims comprised in the undertaking.

(2) Subject to the other provisions contained in this Ordinance and to the control of the Government, the Board of Control shall take such steps as may be necessary for the purpose of efficiently managing the affairs of the Grandhasala Sangham and shall exercise such other powers and have such other duties as may be prescribed.

5. *Contracts in bad faith, etc., may be cancelled or varied.*—Without prejudice to the provisions contained in section 4, the Board of Control may, with the previous approval of the Government, make an application to any court having jurisdiction in this behalf for the purpose of cancelling or varying any contract or agreement entered into at any time before the issue of the notified order under sub-section (1) of section 3, between the Grandhasala Sangham and any other person, and the court may, if satisfied after due enquiry that such contract or agreement had been entered into in bad faith and is detrimental to the interests of the Grandhasala Sangham, make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) that contract or agreement, and the contract or agreement shall cease to have effect or, as the case may be, have effect subject to such variations.

6. *No right to compensation for termination of office.*—Notwithstanding anything contained in any law for the time being in force, no person who ceases to hold any office by reason of the provisions contained in clause (a) of sub-section (1) of section 4 shall be entitled to any compensation for the loss of office:

Provided that nothing contained in this section shall affect the right of any such person to recover from the Grandhasala Sangham moneys recoverable otherwise than by way of such compensation.

7. *Applicability of Kerala Non-trading Companies Act and articles of association.*—(1) Notwithstanding anything contained in the Kerala Non-trading Companies Act, 1961 (42 of 1961), the articles of association of the Grandhasala Sangham shall stand suspended for the period during which the notified order under sub-section (1) of section 3 is in force.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions contained in this Ordinance and subject to such exceptions, restrictions and limitations, if any, as the Government may, by notification in the Gazette, specify in this behalf, the Kerala Non-trading Companies Act, 1961 (42 of 1961), shall continue to apply to the Grandhasala Sangham in the same manner as it applied thereto before the issue of the notified order under sub-section (1) of section 3.

8. *Conditions of service, etc., of existing employees.*—(1) Every officer or other employee employed, immediately before the date of the notified order under sub-section (1) of section 3, in connection with the affairs of the undertaking shall, during the period in which such notified order is in force, hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to gratuity and other matters as he would have held under the Grandhasala Sangham if such notified order had not been issued.

(2) Where the Grandhasala Sangham has established a provident, superannuation, welfare or any other fund for the benefit of its officers and other employees, such fund shall, with effect on and from the date of the notified order under sub-section (1) of section 3, stand transferred to, and vested in, the Board of Control.

9. *Power of Government to cancel order notified under section 3.*—If at any time it appears to the Government on the application of any member of the Grandhasala Sangham or otherwise that the purpose of the notified order under sub-section (1) of section 3 has been fulfilled or that for any other reason it is not necessary that the order should remain in force, the Government may, by notified order, cancel such order.

Chapter III

MISCELLANEOUS

10. *Duty to deliver possession of property and documents relating thereto.*—(1) As soon as may be after the issue of the notified order under sub-section (1) of section 3, every person having possession, custody or control of any property of the Grandhasala Sangham shall deliver the property to the Board of Control or to any such person as may be authorised by the Board in this behalf.

(2) Any person who, on the commencement of this Ordinance, has in his possession or under his control any books, documents or other papers relating to the undertaking, including any letters or other communications between him and the Grandhasala Sangham, shall, notwithstanding anything contained in any law for the time being in force, be liable to account for the said books, documents and other papers (including such letters or other communications) to the Board of Control and shall deliver them up to the Board or to any such person as may be authorised by the Board in this behalf.

(3) The Government may take all necessary steps for securing possession of all properties of the Grandhasala Sangham.

11. *Duty to furnish particulars.*—The Grandhasala Sangham shall, within ten days from the date of the notified order under sub-section (1) of section 3 or within such further period as the Government may allow in this behalf, furnish to the Board of Control a complete inventory of all the properties and assets (including particulars of booklets and investments and belongings) of the Sangham at the commencement of this Ordinance and of all the liabilities and obligations of the Sangham subsisting at such commencement and also of all agreements entered into by the Sangham and in force at such commencement.

12. *Powers of inspection.*—(1) For the purpose of ascertaining whether any property is the property of the Grandhasala Sangham or for any other purpose mentioned in this Ordinance or the rules made thereunder, any person authorised by the Government in this behalf shall have the right—

(a) to enter and inspect any premises;

(b) to require any person having the possession, custody or control of any register or record of the Grandhasala Sangham to produce such register or record;

(c) to require the occupier of any property belonging to, or claimed to be the property of, the Grandhasala Sangham, to submit to the person so authorised such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary; and

(d) to examine any person having the control of, or employed in connection with, the Grandhasala Sangham and to require him to make any statement touching the affairs of the Sangham.

(2) Any person authorised by the Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Gentral Act 45 of 1860).

13. *Penalty for false statement.*—(1) If any person—

(a) when required by this Ordinance or by any order made under this Ordinance to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or believes to be false or does not believe to be true; or

(b) makes any such statement as aforesaid in any book, account, record, return or other document which he is required by any order made under this Ordinance to submit,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both

(2) Any person who—

(a) having in his possession, custody or control any property forming part of the assets of the Grandhasala Sangham, wrongfully withholds such property from the Board of Gontrol; or

(b) wrongfully obtains possession of any property forming part of the assets of the Grandhasala Sangham; or

(c) wilfully withholds or fails to produce to any person authorised under this Ordinance any register, record or other document which may be in his possession, custody or control; or

(d) fails without any reasonable cause to submit any accounts, books or other documents when required to do so,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

14. *Limitation on prosecution.*—No court shall take cognizance of an offence punishable under this Ordinance except with the previous sanction of the Government or of an officer authorised by the Government in this behalf.

15. *Protection of action taken under the Ordinance.*—No suit, prosecution or other legal proceedings shall lie against the Government or the Board of Control or any member thereof or any other person for anything which is in good faith done or intended to be done under this Ordinance.

16. *Over-riding effect of Ordinance.*—The provisions of this Ordinance or any rule or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Ordinance or any instrument having effect by virtue of any law other than this Ordinance.

17. *Payment of remuneration and expenses out of the funds of Grandhasala Sangham.*—All salaries, allowances and other remuneration paid to the Chairman and other members of the Board of Control or any other person who may be appointed or employed in connection with the affairs of the management of the Grandhasala Sangham and all other expenses duly incurred in connection with such management shall be paid out of the funds of the Grandhasala Sangham.

18. *Power of Government to give directions.*—Notwithstanding anything contained in the foregoing provisions of this Ordinance, the Government may give such directions to the Board of Control, as the Government may deem fit, for the proper management of the undertaking of the Grandhasala Sangham, and the Board of Control shall comply with such directions.

19. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the purposes of this Ordinance.

(2) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which

it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

20. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order, as occasion requires, do anything not inconsistent with the provisions of this Ordinance which appears to them to be necessary for the purpose of removing the difficulty.

21. *Savings.*—(1) Notwithstanding the expiry of the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (5 of 1977) (hereinafter referred to as the said Ordinance),—

(a) anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the corresponding provision of this Ordinance;

(b) anything done or any action taken after such expiry and before the date of publication of this Ordinance in the Gazette which could have been done or taken under the said Ordinance if it had not expired, shall be deemed to have been done or taken under this Ordinance; or

(c) any investigation, legal proceeding or remedy which could have been instituted, continued or enforced under the said Ordinance, if it had not expired may be instituted, continued or enforced under the corresponding provision of this Ordinance.

(2) The expiry of the said Ordinance shall not—

(a) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or

(b) affect any penalty or punishment incurred in respect of any offence committed thereunder; or

(c) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation liability, penalty, or punishment, and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty or punishment may be imposed under the provisions of this Ordinance.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), or in any rule or order made or issued under the said Ordinance, the Board

of Control appointed under section 3 of the said Ordinance shall cease to exist on the date of publication of this Ordinance in the Gazette and the Government shall appoint a new Board of Control under section 3 of this Ordinance.

(4) Notwithstanding anything contained in this Ordinance, no person shall be convicted of any offence under this Ordinance for having committed the same after the 6th May, 1977, and before the date of publication of this Ordinance in the Gazette.

N. N. WANCHOO,
GOVERNOR

© Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Saturday, 21st May 1977 / 31st Vaisakha 1899 [No. 305

GOVERNMENT OF KERALA

Higher Education (C) Department

NOTIFICATIONS

I

No. 16682/C3/77/H. Edn. *Dated, Trivandrum,* 21*st May,* 1977.

S. R. O. No. 435/77.—In exercise of the powers conferred by section 3 of the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (11 of 1977), read with sub-section (3) of section 21 thereof, the Government of Kerala hereby appoint a new Board of Control consisting of the following persons:—

1.	Minister for Education	Chairman
2.	Shri M. V. Mathew, Teacher, Jerusalam Mount Road, Vakathanam	Member
3.	Shri P. K. Kunhammed, Pallikkuni House, Oarkkathiri P. O.	Member
4.	Shri C. N. Balakrishnan, Trichur	Member
5.	Shri S. Ramachandran Pillai Ex-Syndicate Member, Kayamkulam	Member
6.	Shri Thoppil Gopalakrishnan, Thoppil House, Vallikkunnam, Karunagappally	Member
7.	Shri K. Abdul Khader, Kinakkul House, Thekke Bazar, Cannanore	Member

8.	Finance Secretary to Government or his nominee	Member
9.	Additional Secretary to Government, Higher Education Department	Member Secretary

2. Under sub-section (6) of the said section 3, the Government also specify that this order shall remain in force for a period of six months from the date of its publication in the Gazette.

Explanatory Note

(This is not part of the notification but is intended to indicate its general purport).

According to sub-section (3) of section 21 of the Kerala Grandhasala Sangham (Taking over the management) Ordinance, 1977 (11 of 1977), the Board constituted under section 3 of the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (5 of 1977), shall cease to exist on the date of the publication of the said ordinance in the Gazette and the Government shall appoint a new Board of Gontrol under section 3 of the said Ordinance. This notification is intended to appoint a new Board of Control.

II

No. 16682/G3/77-2/H.Edn. *Dated, Trivandrum, 21st May,* 1977.

S. R. O. No. 436/77.—In exercise of the powers conferred by section 19 read with section 3 of the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (11 of 1977) and in supersession of the Kerala Grandhasala Sangham (Board of Control) Rules, 1977 published as S.R.O. No. 239/77 in the Kerala Gazette Extraordinary No. 170 dated the 16th March, 1977, the Government of Kerala hereby make the following rules, namely:—

1. *Short title and commencement.*

(1) These Rules may be called the Kerala Grandhasala Sangham (Board of Control). Rules, 1977.

(2) They shall come into force at once.

2. *Definitions.*

In these rules, unless the context otherwise requires:—

(a) "Board" means the Board of Control appointed under sub-section (1) of section 3 of the Ordinance;

(b) "Chairman" means the Chairman of the Board;

(c) "Ordinance" means the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (11 of 1977);

(d) "Secretary" means the Secretary of the Board.

3. *Term of Office.*

Save as otherwise provided in these rules,every member of the Board shall hold office for a period of six months from the date of his appointment as such member:

Provided that an outgoing member shall, notwithstanding the expiry of the term of his office, continue in office until the appointment of his successor.

4. *Resignation by members.*

(1) A member of the Board may resign his office by a letter in writing addressed to the Chairman:

Provided that the member shall continue in office until his resignation takes effect.

(2) The resignation of a member shall not take effect until it is accepted or until the expiry of thirty days from the date of receipt of the letter of resignation by the Chairman, whichever is earlier.

5. *Removal of members from Office.*

The Government may remove from office any member of the Board:

(a) if he absents himself from three consecutive meetings of the Board without the permission of the Chairman; or

(b) if he becomes insolvent; or

(c) if he is convicted of an offence which, in the opinion of the Government, involves moral turpitude; or

(d) if, for any other reason, the Government are of opinion that it is not desirable that he should continue to be a member of the Board.

6. *Filling casual vacancy of member.*

(1) When a casual vacancy arises in the Board due to death, resignation or removal of a member from office, or for any other reason, the Government may, at the request of the Secretary, make a fresh appointment to fill the vacancy as early as possible.

(2) A member appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the member in whose place he is appointed.

7. *Register of members.*

(1) The Board shall maintain a register of members in which the name and address of every member shall be entered.

(2) Every member of the Board shall notify any change of address to the Secretary; and the Secretary sball amend the relevant entry in the register accordingly.

8. *Secretary to the Board.*

The Additional Secretary to Government, Higher Education Department shall be its Secretary.

9. *Functions and duties of Secretary.*

(1) The Secretary shall work under the general control of the Chalrman and of the Board.

(2) The duties of the Secretary shall be:

(a) to convene, under the directions of the Chairman, meeting of the Board;

(b) to maintain the minutes book;

(c) subject to the control of the Board, to co-ordinate and supervise the work of the other officers and other employees of the Grandhasala Sangham;

(d) to submit to the Government all reports, returns and other documents as may be required by Government from time to time.

(e) to undertake such other duties as may from time to time be entrusted to him by the Board or the Chairman.

(3) Without prejudice to the powers and functions of the Board, the Secretary may exercise the following powers, namely:—

(a) to carry on the functions of the Board in accordance with the instructions which the Board may issue from time to time;

(b) to incur expenditure of contingent nature necessary for the administration of the office of the Board, any item of expenditure exceeding five hundred rupees per annum in the case of expenditure of a recurrlng nature and two thousand rupees per annum in the case of expenditure of a non-recurring nature being, however, subject to the prior approval of the Board; and

(c) to take Immediate action, without the prior approval of the Board, in respect of any matter which is within the competence of the Board, if in his opinion such action is called to protect its interests, and for such purpose to exercise all powers and do all acts and things which may be exercised or done by the Board, a written report of every such case, being however, made to the Board as soon as possible containing a statement of the action taken and the circumstances under which it was taken.

10. *Travelling and daily allowance] etc., of Members.*

The members of the Board shall be eligible to travelling and daily allowances in accordance with the orders issued by the Government from time to time.

11. *Delegation of powers by the Board.*

The Board may, by resolution, delegate to the Secretary such of its powers as it may deem fit.

12. *General Procedure.*

The procedure to be followed by the Board in the discharge of its functions shall be as specified in the Schedule annexed.

SCHEDULE

(*See* Rule 12)

PROCEDURE OF THE BOARD OF CONTROL OF THE KERALA GRANDHASALA SANGHAM

1. *Procedure for conduct of business:—*

(1) Subject to the provisions of clause (a) of sub rule (2) of rule 9, the meetings of the Board shall be convened by the Secretary as and when necessary.

(2) The Secretary shall give notice of the meeting to the members.

(3) The Board shall meet at such place and time and on such date as may be appointed by the Chairman.

(4) A list of the business proposed to be transacted at a meeting of the Board shall either accompany the notice or be forwarded by the Secretary to each member as soon as possible after sending out the notice.

(5) Any business which is not on the list shall not be considered at the meeting of the Board except with the permission to the Chairman.

(6) The Chairman shall preside at every meeting of the Board and in the absence of the Chairman, the members of the Board present shall choose one from among themselves to preside at the Board.

(7) The Chairman of the Board or the person presiding shall regulate the procedure at a meeting of the Board.

2. *Extraordinary meetings:—*

Upon the requisition made in writing by not less than three members of the Board, the Secretary shall as soon as possible, and in any case not later than seven days of the date of requisition, convene an extraordinary meeting of the Board. The requisition shall state the objects of the meeting proposed to be called and shall be sent to the Secretary.

3. *Quorum:—*

(1) The quorum for a meeting of the Board shall be three.

(2) If the number of members present at any meeting of the Board is less than the required quorum, the Chairman or in his absence the member presiding at the meeting shall adjourn the meeting and the adjourned meeting shall be held at such time, place and date as may be fixed by the Chairman and it shall thereupon be lawful to dispose of the business at such adjourned meeting whether the quorum is present or not.

4. *Minutes of the meetings:—*

The minutes of the proceedings of a meeting of the Board shall be drawn up by the Secretary and circulated to all the members of the Board. The minutes, as finalised after circulation, shall be recorded in a minutes book and placed for confirmation at the next meeting of the Board. A copy of the minutes shall be forwarded to the Government within a period of fifteen days from the date of confirmation.

5. *Business by circulation:—*

The business of the Board may also be carried out through circulation among its members whenever it is not possible to hold formal meetings of the Board.

6. *Decision by majority of votes:—*

In matters where there may be no unanimity of views, decision shall be taken by majority of votes. In the event of an equality of votes, the Chairman or the member presiding shall have a second or casting vote.

7. *Communications to members of the Board:—*

All communications to a member of the Board shall be sent to him at the last address furnished by him to the Secretary.

By order of the Governor,

DR. V. VENKITANARAYANAN,
Special Secretary to Government.

Explanatory Note

(This is not part of the notification but is intended to indicate its general purport).

Under section 21 (3) read with section (3) of the Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (11 of 1977) Government have appointed a new Board of Control for the Kerala Grandhasala Sangham.

It is considered necessary to make new rules laying down the term of office of, the procedure to be followed in the discharge of their functions by, the members of the Board of Control in supersession of the rules issued under Kerala Grandhasala Sangham (Taking over of Management) Ordinance, 1977 (5 of 1977). This notification is intended for this purpose.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1977.

©
Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Saturday, 21st May 1977 / 31st Vaisakha 1899 [No. 306

GOVERNMENT OF KERALA

Revenue (S) Department

NOTIFICATION

No. 26649/S1/77/RD. *Dated, Trivandrum, 20th May 1977.*

S. R. O. No. 437/77.—In exercise of the powers conferred by section 99 of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendment to their notification No. 50215/S1/74/RD dated the 30th July, 1975, published as S. R. O. No. 732/75 in the Kerala Gazette No. 34 dated the 2nd September, 1975, as subsequently amended, namely:—

AMENDMENT

In the Schedule to the said notification, in column (3) against serial number 6, for the words "Additional Munsiff", the words "Deputy Collector" shall be substituted.

This notification shall come into force with effect on and from the 22nd day of May, 1977.

By order of the Governor,
S. PADMAKUMAR,
Special Secretary to Government.

33/1620/MC.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

In G. O. (RT) No. 742/77/RD dated 16-5-1977, the post of Additional Munsiff Land Tribunal, Kozhikode has been converted to that of a Deputy Collector, Land Tribunal with effect from 22-5-1977. The notification requires amendment to give statutory effect to the above conversion. The notification is intended to achieve the above object.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977.

Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Saturday, 21st May 1977 / 31st Vaisakha 1899 [No. 307

GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

G. O. Rt. 622/77/LBR. *Dated, Trivandrum, 21st May 1977.*

S. R. O. No. 438/77.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 read with section 9 of the Minimum Wages Act, 1948 (Central Act 11 of 1948) and in partial modification of notification No. G. O. Rt. 1458/76/LBR dated 10-11-1976 published under S. R. O. No. 1146/76 in the Gazette Extraordinary No. 642 dated 11-11-1976 the Government of Kerala hereby nominate Shri V. C. M. Abdurahiman, The Malabar Saw Mills' Association, Kallai, Calicut-3 as a representative of employers in the Minimum Wages Committee for Timber and Plywood Industry in the place of Shri K. M. Kuttan who has ceased to be a member of the Committee under sub rule (1) of Rule 9 of the Kerala Minimum Wages Rules, 1958.

By order of the Governor,
P. P. MATHULLA,
Deputy Secretary.

33/1621/MC.

Explanatory Note

This does not form part of the notification but is intended to indicate its general purport.

As per G. O. Rt. 1458/76/LBR dated 10-11-1976 the Minimum Wages Committee for Timber and Plywood Industry was constituted and Shri K. M. Kuttan, President, Trichur District, Timber Merchants' Association, Trichur who was a representative of the employers in that Committee has ceased to be a member of the Committee on account of his failure to attend 3 consecutive meetings of the Committee. Government have decided to nominate a substitute in his place.

This notification is intended to achieve the above object.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1977.

Government of Kerala
1977

Reg. No. [illegible]

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Saturday, 21st May 1977 / 31st Vaisakha 1899 [No. 304

GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 4699/Leg. C3/77/Law. *Dated, Trivandrum, 21st May 1977/ 31st Vaisakha 1899.*

The following Ordinance promulgated by the Governor on the 20th day of May, 1977, is hereby published for General information.

By order of the Governor,

K. Viswanathan Nair,

Additional Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977.

33/1617/77/MC.

ORDINANCE No. 12 OF 1977

THE ENGINEERING TECHNICIANS' CO-OPERATIVE SOCIETIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

to provide for the acquisition of the undertakings of the Kerala State Engineering Technicians (Workshop) Industrial Co-operative Society Limited S. Ind. (ST) No. 1 *and the societies promoted by it and for matters connected therewith or incidental thereto.*

Preamble.—WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, the Engineering Technicians' Co-operative Societic (Acquisition and Transfer of Undertakings) Ordinance, 1977 (6 of 1977) promulgated by the Governor of Kerala on the 16th day of March, 1977 has ceased to operate on the 6th day of May, 1977;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala during its session which commenced on the 26th day of March, 1977 and ended on the 5th day of April, 1977;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Engineering Technicians' Co-operative Societies (Acquisition and Transfer of Undertakings) Ordinance, 1977.

(2) The provisions of this Ordinance (except section 13 which shall come into force at once) shall be deemed to have come into force on the 17th day of March, 1977.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "appointed day" means the 17th day of March, 1977;

(b) "Director of Industries and Commerce" means the Director of Industries and Commerce of the State of Kerala and includes any officer authorised by the Government to perform the functions of the Director of Industries and Commerce under this Ordinance;

(c) "Engineering Technicians' Co-operative Society" or "society" means the ENCOS or any of the promoted societies;

(d) "member-employee" means an employee of a society who has taken shares in the society for the purpose of securing employment in the service of the society;

(e) "prescribed" means prescribed by rules made under this Ordinance;

(f) "share" means a share in the capital of the society.

3. *Undertakings of Engineering Technicians' Co-operative Societies to vest in the Government.*—On the appointed day, the undertakings of the Engineering Technicians' Co-operative Societies shall, by virtue of this Ordinance, stand transferred to and vested in the Government, and the societies shall be deemed to have been dissolved.

4. *General effect of vesting.*—(1) The undertakings of the societies shall be deemed to include all assets, rights, powers, authorities and privileges and all properties, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve fund, investments and book debts, letters of intent, licences and all other rights and interests in or arising out of such property as were immediately before the appointed day in the ownership, possession, power or control of the societies in relation to their undertakings, and all books of account, registers and all other documents of whatever nature relating thereto, and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the societies in relation to their undertakings and their employees.

(2) All contracts and working arrangements which are subsisting immediately before the appointed day and affecting any of the societies shall, in so far as they relate to the undertaking of that society, cease to have effect or be enforceable against that society or any officer thereof or any person who was surety or had guaranteed the performance thereof, and shall be of as full force and effect against or in favour of the Government and may be enforced or acted upon as fully and effectually as if, instead of the society, the Government had been named or had been a party thereto.

(3) Any proceeding or cause of action pending or existing immediately before the appointed day by or against any of the societies in relation to its undertaking may, as from that day, be continued and enforced by or against the Government as it might have been enforced by or against the society if this Ordinance had not been promulgated, and shall cease to be enforceable by or against the society, its officers, sureties or guarantors.

5. *Duty to deliver possession of property acquired and documents relating thereto.*—(1) Where any property has vested in the Government under this Ordinance, every person, in whose possession or custody or under whose control the property may be, shall deliver the property forthwith to the Government or to such person as the Government may authorise in this behalf.

(2) Any person who, on the appointed day, has in his possession or under his control any books, documents or other papers relating to the undertakings of the societies which have vested in the Government under this Ordinance, shall be liable to account for the said books, documents and papers to the Government and shall deliver them up to the Government or to such person as the Government may authorise in this behalf.

(3) The Government may take or cause to be taken, all necessary steps for securing possession of all properties which have vested in the Government under this Ordinance.

6. *Duty to furnish particulars.*—(1) Notwithstanding anything contained in section 7, the Government may direct the Managing Director of the ENCOS and any other officer or employee employed in connection with the affairs of the undertaking of any of the societies immediately before the appointed day to furnish to the Government within one month from the appointed day or such further period as the Government may allow in this behalf, a complete inventory of all the properties and assets of the societies on the appointed day, all the liabilities and obligations of the societies subsisting on that day and also all agreements entered into by the societies and in force on that day (including agreements, whether express or implied, relating to leave, pension, gratuity and other terms of service of officers or other employees of the societies) under which, by virtue of this Ordinance, the Government have or will have or may have liabilities or obligations.

(2) The Managing Director of the ENCOS and the officers and employees required to furnish the inventory under sub-section (1) shall, for the period referred to in that sub-section, be entitled to the same salaries and allowances and be subject to the same conditions of service as they were entitled or subject to immediately before the appointed day.

7. *Termination of service of existing employees.*—(1) The services of every officer or other employee employed, immediately before the appointed day, in connection with the affairs of the undertaking of any of the societies, except officers and other employees of the Central Government or the Government of Kerala on deputation, shall, as from the appointed day, stand terminated.

(2) Any officer or other employee of the Central Government or the Government of Kerala deputed for employment in connection with the affairs of the undertaking of any of the societies and employed as such immediately before the appointed day shall, as from that day, revert to the service of the Central Government or the Government of Kerala, as the case may be.

(3) Notwithstanding anything to the contrary contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947) or in any other law for the time being in force, no person whose services stand terminated by virtue of sub-section (1) shall be entitled to any compensation or other payment under that Act or such other law and no claim for such compensation or payment shall be entertained by any court, tribunal or other authority.

(4) Notwithstanding anything contained in sub-section (3), every officer or other employee appointed under a contract executed by him and any of the societies, shall be paid the amount to which he is entitled under such contract.

(5) The amount payable to an officer or employee under sub-section (4) shall be paid by the Director of Industries and Commerce in cash within a period of three months from the appointed day:

Provided that if the amount is not paid within the period aforesaid, the Director of Industries and Commerce shall pay interest on the amount at the rate of four per cent per annum from the date of expiry of the said period.

8. *Payment of amount.*—(1) For the transfer under section 3, of the undertakings of the societies to the Government, there shall be paid by the Government to every shareholder of each of the societies an amount equal to the value of the shares held by him in the society immediately before the appointed day.

(2) Notwithstanding anything contained in sub-section (1), where a member-employee has obtained a loan from any bank for purchase of shares in any of the societies and the society has stood surety for such loan with interest thereon or has undertaken to recover the loan from the salary of the member-employee, the balance, if any, of the loan together with interest remaining outstanding on the appointed day shall be paid by the Government to the bank and the member-employee shall be paid only the balance after deducting the amount paid to the bank under this sub-section from the amount to which he is entitled under sub-section (1).

(3) The amount payable to a shareholder under this section shall be paid by the Director of Industries and Commerce in cash within a period of three months from the appointed day on production and surrender of valid share certificates issued by the societies:

Provided that if the amount is not paid within the period aforesaid, the Director of Industries and Commerce shall pay interest on the amount at the rate of four per cent per annum from the date of expiry of the said period.

9. *Penalties.*—(1) Any person who—

(a) having in his possession, custody or control any property forming part of the undertaking of any of the societies wrongfully withholds such properties from the Government; or

(b) wrongfully obtains possession of any property forming part of the undertaking of any of the societies, which has vested in the Government under this Ordinance; or

(c) wilfully withholds or fails to furnish to the Government as required by sub-section (2) of section 5 any books, documents or other papers which may be in his possession, custody or control,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both:

Provided that the court trying any offence under clause (a) or clause (b) or clause (c) may, at the time of convicting the accused person, order him to deliver up or refund, within a time to be fixed by the court, any property or cash wrongfully withheld or obtained or any document wilfully withheld or not furnished.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or of an officer authorised by the Government in this behalf.

10. *Offences by companies.*—(1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

11. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceedings shall lie against the Government or any officer or other person for anything which is in good faith done or intended to be done under this Ordinance.

(2) No suit or other legal proceedings shall lie against the Government or any officer or other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Ordinance.

12. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out the provisions of this Ordinance.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. *Savings.*—(1) Notwithstanding the expiry of the Engineering Technicians' Co-operative Societies (Acquisition and Transfer of Undertakings) Ordinance, 1977 (6 of 1977) (hereinafter referred to as the said Ordinance),—

(a) anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the corresponding provision of this Ordinance;

(b) anything done or any action taken after such expiry and before the date of publication of this Ordinance in the Gazette which could have been done or taken under the said Ordinance if it had not expired, shall be deemed to have been done or taken under this Ordinance; or

(c) any investigation, legal proceeding or remedy which could have been instituted, continued or enforced under the said Ordinance, if it had not expired, may be instituted, continued or enforced under the corresponding provision of this Ordinance.

(2) The expiry of the said Ordinance shall not—

(a) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or

(b) affect any penalty or punishment incurred in respect of any offence committed thereunder; or

(c) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed under the provisions of this Ordinance.

(3) Notwithstanding anything contained in this Ordinance, no person shall be convicted of any offence under this Ordinance for having committed the same after the 6th day of May, 1977 and before the date of publication of this Ordinance in the Gazette.

N. N. WANCHOO,
GOVERNOR.